

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:15-CR-105
V.)	
)	(VARLAN / SHIRLEY)
SHAMECCA WARE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Defendant's Motion to Continue Motion Deadline and Trial Date [Doc. 9], filed on October 29, 2015. The Defendant asks to continue the December 1 trial date and to extend the October 28 motion deadline. She states that counsel needs additional time to review discovery with her. The motion states that the Government does not object to the requested continuance. Defense counsel informed the Court, through Chambers, that he had discussed the motion with the Defendant, whom he has advised of her right to a speedy trial and who agrees with the need for a trial continuance. Counsel for both parties agreed on a new trial date of January 19, 2016.

The Court finds the Defendant's motion [Doc. 9] for a trial continuance to be well taken. It finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Defense counsel seeks additional time to investigate the case, to conduct legal research, to consult with the Defendant, to litigate any necessary pretrial motions, and to prepare for trial. Based upon the representations

of counsel, the Court finds that the failure to grant a continuance would deprive defense counsel of the reasonable time necessary to prepare effectively for a trial, despite his use of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The Court finds that such preparation cannot be accomplished prior to the new trial date of January 19, 2016.

The Defendant's motion [**Doc. 9**] to continue the trial is **GRANTED**, and the trial is reset to **January 19, 2016**. The Court finds that all the time between the filing of the motion to continue on **October 29, 2015**, and the new trial date of **January 19, 2016**, is fully excludable time under 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to further scheduling, the Court set a new motion deadline for **November 30, 2015**. Responses to motions are due on or before **December 14, 2015**. The parties are to appear before the undersigned for a pretrial conference on **December 15, 2015, at 1:30 p.m.** This date is also the deadline for providing reciprocal discovery. The deadline for concluding plea negotiations is extended to **December 22, 2015**. The Court further instructs the parties that all motions *in limine* must be filed no later than **January 4, 2016**. Special requests for jury instructions shall be submitted to the District Court no later than **January 8, 2016**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED**:

- (1) The Defendant's Motion to Continue Motion Deadline and Trial Date [**Doc. 9**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **January 19, 2016**, at 9:00 a.m., before the Honorable Thomas A. Varlan, Chief United States District Court Judge;
- (3) All time between the filing of the Defendant's motion on **October 29, 2015**, and the new trial date of **January 19, 2016**, is fully excludable time for speedy trial purposes as set forth above;

(4) The deadline for filing pretrial motions is extended to **November 30, 2015**;

(5) Responses to motions are due on or before **December 14, 2015**;

(6) The parties are to appear before the undersigned for a pretrial conference on **December 15, 2015, at 1:30 p.m.** This date is also the deadline for providing reciprocal discovery;

(7) The deadline for concluding plea negotiations is extended to **December 22, 2015**;

(8) Motions *in limine* must be filed no later than **January 4, 2016**; and

(9) Special requests for jury instructions with appropriate citations shall be submitted to the District Judge by **January 8, 2016**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge